

SECOND REGULAR SESSION

# SENATE BILL NO. 1316

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STEELMAN.

Read 1st time February 26, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 168.126, RSMo, and to enact in lieu thereof one new section relating to probationary teachers.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 168.126, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 168.126, to read as follows:

168.126. 1. A board of education at a regular or special meeting may contract with and employ by a majority vote legally qualified probationary teachers for the school district. The contract shall be made by order of the board; shall specify the number of months school is to be taught and the wages per month to be paid; shall be signed by the probationary teacher and the president of the board, or a facsimile signature of the president may be affixed at his discretion; and the contract shall be attested by the secretary of the board by signature or facsimile. The board shall not employ one of its members as a teacher; nor shall any person be employed as a teacher who is related within the fourth degree to any board member, either by consanguinity or affinity, where the vote of the board member is necessary to the selection of the person.

2. If in the opinion of the board of education any probationary teacher has been doing unsatisfactory work, the board of education, through its authorized administrative representative, shall provide the teacher with a written statement definitely setting forth his alleged incompetency and specifying the nature thereof, in order to furnish the teacher an opportunity to correct his fault and overcome his incompetency. If improvement satisfactory to the board of education has not been made within ninety days of the receipt of the notification, the board of education may terminate the employment of the probationary teacher immediately or at the end of the school year. Any motion to terminate the employment of a probationary teacher shall include only one person and must be approved by a majority of the members of the board of education. A tie vote thereon constitutes termination. On or before the fifteenth day of April in each school year, the board of

education shall notify in writing a probationary teacher who will not be retained by the school district of the termination of his employment. **A decision to not retain a probationary teacher may only be based upon the competency or job performance of that teacher and no such decision shall be made because of a decrease in pupil enrollment, school district reorganization or the financial condition of the school district. In cases where school districts are compelled to reduce their labor force because of a decrease in pupil enrollment, school district reorganization or the financial condition of the school district, the district shall solely comply with the provisions of section 168.124.** Upon request, the notice shall contain a concise statement of the reason or reasons the employment of the probationary teacher is being terminated. Nothing contained in this section shall give rise to a cause of action not currently cognizant at law by a probationary teacher for any reason given in said writing so long as the board issues the letter in good faith without malice, but an action for actual damages may be maintained by any person for the deprivation of a right conferred by this act.

3. Any probationary teacher who is not notified of the termination of his employment shall be deemed to have been appointed for the next school year, under the terms of the contract for the preceding year. A probationary teacher who is informed of reemployment by written notice shall be tendered a contract on or before the fifteenth day of May, and shall within fifteen days thereafter present to the employing board of education a written acceptance or rejection of the employment tendered, and failure of such teachers to present the acceptance within such time constitutes a rejection of the board's offer. A contract between a probationary teacher and a board of education may be terminated or modified at any time by the mutual consent of the parties thereto.

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